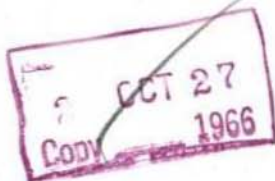
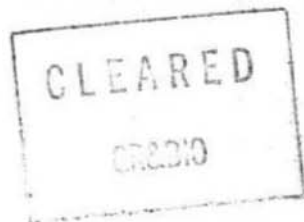


TEMBER

SIXTH YEAR — No. 66



Per

International Review of the Red Cross



Inter arma caritas

1966

GENEVA

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FOUNDED IN 1863

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INTERNATIONAL REVIEW OF THE RED CROSS

SIXTH YEAR — No. 66

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BOOKS AND REVIEWS

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FRENCH EDITION OF THE REVIEW

The French edition of this Review is issued every month under the title of *Revue internationale de la Croix-Rouge*. It is, in principle, identical with the English edition and may be obtained under the same conditions.

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THE INTERNATIONAL REVIEW OF THE RED CROSS

*is published each month by the
International Committee of the Red Cross*

7, avenue de la Paix, 1211 Geneva I, Switzerland
Postal Cheque No. 12.1767

Annual subscription : Sw. fr. 25.— (\$6)
Single copies Sw. fr. 2.50 (\$0.60)

Editor: J.-G. LOSSIER

The International Committee of the Red Cross only assumes
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THE PRINCIPLES OF INTERNATIONAL HUMANITARIAN LAW

by J. Pictet

*Vivos voco, mortuos plango,
fulgura frango*

Schiller "Die Glocke"

I. WHAT IS INTERNATIONAL HUMANITARIAN LAW?

For some years it has been customary to call "humanitarian law" that considerable portion of international law which owes its inspiration to a feeling for humanity and which is centred on the protection of the individual. This expression of humanitarian law appears to combine two ideas of a different character, the one legal and the other moral. Now, the provisions which are the subject under study are, as will be seen later, precisely a transposition in international law of considerations of a moral order, and more especially humanitarian. This then would seem to be a satisfactory designation.

Between 1948 and 1950 remarkable extension and impetus were given to humanitarian law, three memorable years which will without doubt mark a decisive step in the struggle for the defence of the human person. In 1949 there was the concluding of the four Geneva Conventions for the protection of the victims of war, revised and completed. Similarly, in the sphere of Human Rights, 1948 saw the proclamation of the Universal Declaration and 1950 was the year of the European Convention on Human Rights. Humanitarian law has thus been fully accepted and is no longer a mere branch of international law but a province in its own right with a wide measure of autonomy.

INTERNATIONAL HUMANITARIAN LAW

A closer look should now be taken at the notion of humanitarian law by determining its contents and attempting to define both it and the offshoots of which it is composed.

The term humanitarian law may be considered under two different aspects, the one wide and the other narrow.

1) International humanitarian law, in the wide sense, is constituted by all the international legal provisions, whether written or customary, ensuring respect for the individual and his well-being.

Humanitarian law now comprises two branches: the law of war and human rights.

Some legal experts, such as Professor Milan Bartos, would like to add yet another branch; the law of peace, that is to say, the collection of provisions tending to maintain peace and to exclude war as a means of resolving disputes between communities. This is also known as the *jus contra bellum*. At present, however, this addition has not been agreed so that it will not be a subject for discussion. In fact, if this important legal phase is of an evidently humanitarian character, it aims less directly at the individual than do other disciplines of humanitarian law and also presents a political aspect which one should not under-estimate.

The first branch of humanitarian law is, as we have already said, the law of war. This term has also two aspects, one wide and the other narrow.

2) The law of war, in the wide sense, has as object to regulate hostilities and attenuate their hardships in so far as military necessity permits.

The law of war is in its turn sub-divided into two branches: that of The Hague, or the law of war properly so-called, and that of Geneva, or humanitarian law.

3) The law of The Hague, or the law of war properly so-called, determines the rights and duties of belligerents in the conduct of operations and limits the choice of the means of doing harm.

These provisions were principally the result of The Hague Conventions of 1899, revised in 1907. From these must, of course, be

excluded those most significant portions in the Geneva regulations which between 1929 and 1949 covered the status of prisoners of war, that of the wounded and shipwrecked in maritime warfare and also that of civilians in occupied territory. The above definition is new and takes the "division of waters", realized in 1949, into account.

The Hague regulations also include Conventions not bearing the name of the Netherlands city, such as the St. Petersburg Declaration of 1868, prohibiting the use of certain projectiles in time of war and the Geneva Protocol of 1925 condemning asphyxiating, poisonous or other gases and bacteriological methods.

If the efforts of the International Committee of the Red Cross to ensure minimum protection for the civilian population against the dangers of indiscriminate warfare resulted in a diplomatic instrument, this should, by its very nature, rather be the province of the law of The Hague.

4) The law of Geneva, or humanitarian law properly so-called, tends to safeguard military personnel placed "hors de combat", as well as persons not taking part in hostilities.

Since 1949, the law of Geneva has been put in concrete form by the four Conventions of that name. This monumental legal work of over four hundred articles is at the same time the most recent codification and also the most complete of the standards giving protection to the individual in the case of armed conflict. It no doubt represents, at least as far as size is concerned, three-quarters of the law of war in existence today.

Offering a more specifically humanitarian character, a primary element of civilization and peace, the law of Geneva incarnates the very ideal of the Red Cross. It was moreover the International Committee in Geneva which gave it its initial impulse and origin. It is therefore sometimes called the "law of the Red Cross".

In 1949, as we have already mentioned, a vast portion of the Hague law passed, considerably extended, into the sphere of Geneva; such, for example, as the protection of civilians, notably in the occupied countries. This meant that, for the first time, the Geneva Conventions covered individuals who did not belong to the fighting forces and who were neither wounded, sick, shipwrecked nor captives. The purpose of the new provisions was, to some extent,

to prevent civilians from becoming the direct victims of war. One can however also claim that from the mere fact of their finding themselves under enemy occupation, civilians no longer enjoy their full liberty and have to submit to hostilities to a larger or less degree.

Another factor enables one to differentiate between the movement of Geneva and that of The Hague. The Geneva texts have been drawn up solely for the benefit of the individual. Generally speaking they do not accord rights between States. The case is otherwise for the laws of war, whose object is to regulate operations and which are still partly based on military necessity. In Geneva an era has opened giving primacy to the individual and the principles of humanity.

Within humanitarian law properly speaking, certain medico-legal circles distinguish in addition an "international medical law", covering the provisions which aim at ensuring medical relief and which apply to the wounded, sick and medical personnel.

It now remains for us to define the second great branch of humanitarian law as follows:

5) Legislation of Human Rights has as object to guarantee at all times for individuals the enjoyment of fundamental rights and liberties and to preserve them from social evils.

That which essentially distinguishes this field from the previous one, is that it finds its application in time of peace as well as in time of war. In fact, Human Rights represent the most generous principles in humanitarian law, whose laws of war are only one particular and exceptional case, which appears precisely at times when war restricts or harms the exercising of human rights.

Here, the promoting institution, on the universal level, is not the Red Cross, but the United Nations Organization, itself the successor of the League of Nations. Also contributing, in their geographical framework, are such movements as the Council of Europe and the Organization of American States.

Under this wide heading, one can also add not only the codification of Human Rights, but also, amongst others, the provisions condemning slavery, the white-slave traffic and the drug traffic, the Convention relative to the status of refugees and, to a certain extent, labour legislation.

II. MORAL SOURCES

1. Definitions

Before discussing the foundation of humanitarian law, a definition should first be made of some of the essential terms which will be employed.

Confusion sometimes arises between human and humanitarian, humanism and humanitarianism, abstract expressions all deriving from the same origin, which is Man.

The term *human*, in its first sense, means all that concerns Man. However, in the meaning which is of interest to us here, "human" denotes a man who is good to his fellow beings. What then is goodness? It is a propensity for doing good. But what then is the good? It is all actions which at a given moment appear to be just, useful, reasonable and generous. Goodness is therefore the abstract idea of what is good. In this way, the honest man is guided by the idea of goodness as the artist is of his notion of beauty.

Goodness is a complex motive in which can be discerned several kindred qualities or sentiments present in varying degrees, such as kindness, generosity, devotion, faithfulness, tenderness, pity, compassion, a spirit of mercy, gentleness, patience, clemency, toleration, constancy, forbearance, commiseration and others. To be good is also to be amiable, cordial, sensitive, kind, charitable, serviceable, ready to help, foreseeing, benign, docile, good-natured, peaceful and magnanimous.

If one wishes to summarize all that and interpret it from the practical point of view, without employing the same terms, one would say the following. Animated by favourable intentions, the good man is touched by the suffering of others and he tries to alleviate them; showing them respect and affection, he protects and helps them. In other words, he devotes himself to them. With complete equality of mind he suffers misfortune, is not carried away by anger against anyone, and forgives joyfully.

Humanity is therefore the sentiment or attitude of someone who shows himself to be human. With Littré's dictionary, we would define humanity as being "a sentiment of active goodwill towards

mankind ". This is the definition we will be giving later on to the essential principle of humanitarian law, preferring it to all others, since it is indeed its driving force. This term, however, has another meaning: it also denotes human nature and even the human species in general. One should therefore beware of ambiguities.

Close to humanity come pity and charity.

Pity is one of the mainsprings of charity. It is a spontaneous movement in the presence of the suffering of others. Someone who feels pity obeys no order nor reason, but an instant reaction of affection. Littré defines pity as being "that sentiment which sees suffering at a glance and goes to its relief ". It is also called compassion, "that stirring of the soul which makes one responsive to other people's distress ", according to Larousse. Pity is like an outpost of charity.

Charity is an effort which is required of us, either inwardly or from outside and which becomes as second nature to relieve and put an end to the suffering of others. There is also a risk of confusing terms, for the word can also be taken in the sense of alms. Now, to dispense alms is not to be recommended, except where charity on a larger scale is lacking and is often impossible to realize in practice.

Charity, especially in the sense given it by Christian morality, is synonymous with the love of others.

Most modern languages only have a single word, "love " in English, to express two notions as different from each other as love, in the sense of desire and love meaning devotion. The inadequacy of language can be seen as soon as abstract ideas are involved. One is therefore obliged to resort to two words of ancient Greek: *eros* and *agape*, both of which are translated as love.¹

Eros is egocentric, passionate love, the desire to appropriate something for oneself, the search for one's own happiness. This feeling, which may take a very lofty form, governs the elective affinities, such as the love of a man and woman, or friendship. Its object may also be virtue, art, pleasure, knowledge or wealth.

¹ See Max HUBER, *The Good Samaritan*, Gollancz, 1945, pp. 44 and 46; Professor F. LEENHARDT, *Morale naturelle et morale chrétienne*, Alma Mater, Nos. 26 and 27, 1946.

Agape is altruistic, disinterested love whose object is essentially people. The person who experiences it is not thinking of his happiness, but of that of the being he loves. This feeling sometimes demands a certain amount of self-control; it may result from an effort which we have been required to make, its object may even be the enemy or a criminal. It is naturally in the sense of *agape* that we mean love of others.

This distinction is prone to one grave defect, that of relating two heterogenous spheres to each other, the one psychological, the other moral. *Eros* acts from instincts of conservation, whilst *agape* is a selection operated by morality and justified by the necessity of directing society towards helping others and fellowship. Moreover, feelings cannot be circumscribed within rigid limits. Often in life, the two sentiments will animate the same person in varying degrees which will consequently closely overlap. It was, however, necessary to differentiate between them to avoid perpetuating confused thinking which has already troubled so many minds.

We will now pass on to the word *humanitarian*. It qualifies any action beneficent to men. This notion is realized notably in humanitarianism. In the expression "humanitarian law", the adjective has a more restricted sense, since we have defined this law as ensuring respect for the individual and his well-being.

Humanism is a philosophical doctrine whose ultimate object is the human being. This conception therefore surpasses the subject of this study.

As regards *humanitarianism*, this is the universal social doctrine which aims at the good of all mankind. Since humanitarian law derives from this, we will now deal with this subject.

2. Modern humanitarianism

It has been said that humanitarian law proceeds from "natural law". One should, as a start, know what this means.

Is it the old belief of the mediaeval theologians, taken up by Grotius and his successors, of an immanent, eternal and universal law? Unfortunately, the moral quality of a concept is in no way a guarantee of its exactitude. In reality, experience teaches us that law

is built up stone on stone, by dint of patient efforts of reasoning and harmony.

To the idea of a natural law implying a pre-existing plan, which one is moreover incapable of discovering, one should prefer the notion of an ideal order, superior to the present one. We go to meet it by an empirical and slow progress, to the extent that we rid ourselves of prejudices and build a better world. This juridical order will give to the individual the maximum rights compatible with the good organization of society and will be based only on the aspirations common to individuals of which humanity is composed. This is still, of course, if only for us, but a working hypothesis.

There will certainly always be a divergence between positive law and that which appears just to the majority of our contemporaries. For the law is constantly behindhand in relation to the logical and moral interpretation of social facts. It therefore tends to complete and improve itself in order the better to comply with what is required of it. In fact, these very requirements evolve with the customs of the time, so that something which was natural two centuries ago seems incongruous today.

We would therefore define natural law, the source of humanitarian law, as *all the rights which every man demands for himself and which he is at the same time prepared to accord to others*. All the rest is but a dream. Such a definition is only valid at a determined time and place. However, in a period when civilizations are tending to merge with each other, natural law is also becoming uniform itself.

Humanitarian law receives its impulse from moral science all of which can be summed up in one sentence, "do to others what you would have done to yourself". This crystallizes the wisdom of nations and is the secret of happiness, or at least, of the best order of society. This fundamental precept can be found, in an almost identical form, in all the great religions, Brahmin, Buddhist, Christian, Confucian, Islamic, Jewish and Taoist. It is also the main prop of the positivists who do not base themselves on precepts of any given religion, but on social facts, considered objectively, through their own reasoning alone. One could doubtless find other emanations, other echoes, since it is a universal truth because it fully conforms to human nature and to the needs of social life.

Modern humanitarianism originates from this idea which is a developed, rationalized form of justice and charity tending to make life more worthy of being lived.

Humanitarianism is nothing other than an attempt at organizing relationships between human beings on the basis of a compromise between their respective interests, it being understood that the practice of charity and justice represents part of a high dividend from such interest.

It is the end of a long effort of reflection tending to define the outlines of a social order, which should be the most advantageous for all. This order is not the same depending on the stage of civilization reached in a given country, but it does seem to converge in the direction of an acceptable middle-term. It is a product of experience and reasoning, all of whose elements justify themselves in a practical manner as a matter of common sense, by reason of its ultimate purpose, which is to provide the maximum happiness for the largest number. For collective well-being is in fact but the sum total of individual happiness.

In humanitarianism there is mingled a certain amount of folly, to strive for an ideal which, by definition, is inaccessible, with a great deal of realism.

It is a doctrine free from any religious or ideological tie. Responding to universal needs and, by definition, addressing itself to people of all kinds and conditions, it cannot owe allegiance to any mystic outside its own. It is on the level of human experience, taking mankind as its object, men as its instruments whose aspirations it interprets and whose natural impulses it utilizes.

Humanitarianism is not a religion opposing itself to other religions, a moral philosophy set up in opposition to other moral codes. It does however coincide with the precepts of many religious and moral codes. It is the point at which the most diverse opinions coincide and where they merge after sifting and the elimination of much that is tarnished.

No longer speaking of malediction striking humanity, of guilt or a fatal destiny, humanitarianism has really overcome one of the chief collective inhibitions from which the world used to suffer. It has preserved from its moral and religious sources only what was rational and universal. Having done so it has in no way tried to

deify man. It has merely taken him as the object of its interest. The humanitarian doctrine is therefore one of the rare fields where people of all beliefs can meet and stretch out the hand of friendship to each other, without betraying matters which are closest to their hearts.

The following is a good definition of humanitarianism :

Considering the actual fellowship today uniting all the people of the globe and the importance of the mutual advantages from which they benefit and which renders this fellowship inevitable,

considering also that this universal fellowship calls for a common international order and great stability and that consequently this can only be based on justice,

considering, on the other hand, the inequality existing in the condition of individuals, whose character, morals and local customs, as well as the malignity of man, are the cause,

however, admitting that a universal agreement is possible which would take these conditions and the fervent wishes of all races into account,

humanitarianism proposes to place in the forefront of every man's concern the attenuation of injustice, by starting with the most blatant and oppose them on the local as well as on the universal level, so that the struggle may be more effective by mutual aid and emulation between different nations;

it therefore prescribes, in the first place, that recognition be given to all of a certain number of individual rights which it considers to be fundamental,

then in all cases where the existing institutions are insufficient or inactive in order to ensure the application of these rights, it enjoins that aid be given to those in distress, or whose life or physical and moral integrity are threatened,

it calls upon men to unite with a view systematically to prevent a return to evils which are avoidable and to limit the extent of other harmful acts,

it engages them to organize themselves to that effect in the form of private or public, national or international associations, finally, it proposes their final object to be the ripening of all men's personalities, the prime cause of their well-being.¹

An attempt will again be made to show how humanitarianism differs from charity, from which as will be seen later, it derives much of its inspiration.

Charity is a quality which is brought to us from outside and which is presented to us as a moral obligation. Humanitarianism,

¹ Maurice CHALUMEAU, Geneva sociologist, whose studies on humanitarianism have provided us with our most useful material.

on the other hand, originates logically from objective reflection on conditions of living in society and on the fellowship which results therefrom.

Charity demands immediate improvised action on the part of a person finding himself alone in the presence of someone in distress. In humanitarianism it is not sufficient to take a personal share in another's sudden misfortune. The evil itself should be fought systematically, one should try to find out the reasons, however remote, and seek to prevent its ill-effects and finally have it eliminated from the world.

Charity concerns itself above all with righting injustice. Humanitarianism has more positive and larger aims, such as to allow each person to assert his personality and give him his place in the sun.

Charity has an individual character. It is limited in time and space. Humanitarianism collects men of goodwill around itself, creates the necessary institutions and imposes a reasoned discipline. It tends towards universality and extends mercy to all mankind.

If charity is concerned with its effectiveness, it places the greatest value of its acts on the giver's intentions who thereby acquires merit. For humanitarianism it is the act and its result which counts and it does not after all matter in what spirit it has been accomplished.

Charity does not accept the idea of mutual aid. It is a free gift which does not expect any answering gesture. This is both its strength and its weakness. Humanitarianism, on the other hand, addresses itself to an organized world which is endowed with memory. It bases itself, at least in part, on reciprocity. It is however capable of fairness by respecting the principles it raises, even if the adversary does not act in the same manner.

Thus the jurist and the moralist co-operate in the construction of humanitarian law. In the past they still had to introduce into law moral notions peculiar to certain civilizations, notions which Montaigne and Pascal had already shown as being modified on the crossing of each frontier. Today they agree on the ends revealed in modern humanism and which all tend to the well-being of the human collectivity or, at least, when war is taken into account, to a lesser evil. To do this they no longer allow themselves to be guided by outside direction but count on values common to all peoples.

3. Justice and charity

There is still an important problem to be discussed, that of the relationship between justice and charity, these two pillars of society and of their bearing on humanitarianism.

Are justice and charity opposed to each other or do they coincide and can they even be identified? Does one originate from reason and the other from sentiment, as has been claimed, or are they both of the same essence? Can the one do without the other? Can justice be called the rationalization of charity? Finally, does humanitarianism find its inspiration in justice or in charity, or in both at the same time?

Justice consists in rendering each person his due. It presents two principal aspects which should not be confused: there is so-called legal justice and, on the other hand, there is equity.

Legal justice tends to give to each one often according to his merits, above all according to his rights and seldom according to his needs. It implies, for someone who has to take action, strict duties which are sanctioned by law and for which society imposes respect through the judicial and administrative powers which none can avoid.

If one only considers the question of legal justice, one can see that it differs profoundly from charity. It has been represented as a blindfold woman holding scales. This symbol could also to a certain extent apply to charity. Like justice, charity only knows man as a human being without wanting to discover his name. Charity also holds a pair of equally-balanced scales. In the same way as justice, charity also gives to whom it has chosen for valid reasons. But here the analogy ends. For if justice gives to each one according to his rights, charity dispenses according to his suffering or his needs. To judge is to separate between the good and the bad, the just and the unjust, a measure is taken of individual responsibility. Charity, on the other hand, has nothing to do with this sort of justice and refuses to calculate the merits or faults of anyone. It goes very much further and overcoming the conflict between good and evil it reaches complete serenity, achieving wisdom. Then it is the very image of mercy, of goodness without limit. Lao Tse once said:

“With a good man, I am good, with someone evil, I am also good”.

The more one examines the practical possibilities of applying the standards of justice, the more one realizes how full of chance, how arbitrary it is and that it demands much subtlety. The progress which man has made in science and psychological analysis have shown that a variety of interpretations can be given to most motives which rule human action. One sees more and more how, in some dispute submitted to the judgment of a court, the judge finds difficulty in coming to a decision in a manner which is both simple and consistent with his own conscience. Moreover, legal justice, for the sake of greater simplicity, pronounces sentence or dismisses a case according to the facts, whereas a higher form of justice would attempt to weigh up an individual. One should, more often than not, find a compromise between justice and injustice since it is most rare for one side to be entirely wrong and the other to be entirely right. Only simple minds believe in clear-cut solutions. This manichean theory of good and evil inevitably leads to a worsening in most human conflicts.

It should not be forgotten that “man can never claim to do some good which is not mixed with something bad, to defend a truth which does not hide some error or dispense justice which does not bring some element of injustice in its wake”.¹ When the world understands this it will most certainly have made a great step forward in objectivity and consequently towards wisdom and perhaps peace.

Legal and repressive justice has for a long time only taken account of the merits and faults of individuals, since it believed in their full responsibility. It was, however, mistaken. This concept is out-dated. Today, penal reform tends to recover the individual for society and not to crush him, to rehabilitate him rather than inflict punishment on him.

Humanitarianism therefore prefers solutions dictated by compassion to those of an imperfect justice behind which vengeance is barely hidden. In time of war, when justice and injustice become practically indiscernable and when moral standards are shaken, it is

¹ Professor F. LEENHARDT, *op. cit.*

almost impossible to be equitable. If one wishes therefore to act for another's good and alleviate the average plight of individuals, one should allow oneself to be guided by spontaneous generosity.

The pre-eminence of charity, and consequently of the humanitarian ideal, over justice pure and simple is a proof of considerable moral progress and will no doubt mark an epoch in the history of sociology. Moreover, in its most ancient form, charity seems already to have foreshadowed modern concepts on the irresponsibility of human beings, still conditioned by heredity as by the influence of the social circle.

However, as we have already said, the idea of justice knows several graduations. From primitive vengeance it passes through different conditions of law and civilization in time and space, to reach, far beyond legal justice, a very high level. One is no longer in a world of rigid duty, but in one of wide obligations which are left to men's free appreciation and which, at least today, are only morally binding. Here can be found an ideal form of justice which is also called equity and which inspires all those who wish to help others, outside the sphere of legal justice, even in opposition to it. One knows the old adage: *summum jus, summa injuria* and thus Pascal was able to say that real justice derided the law. This justice of which we are now speaking, this equity is then full of understanding and forbearance and is inclined no longer to take account of men's responsibilities, of their merits or their faults, but tends to become egalitarian, that is to say to offer opportunities to all. It is more concerned in bringing to each one what he is lacking than in punishing or giving rigorous treatment. It is no longer a question of applying the usual standards of division, but of repairing the aberrations of fate. Such a concept is an ideal and it is often misunderstood by certain factions which is above their comprehension. Moreover, it is, more often than not, unable to be put into practice by the community which must maintain the social order by more summary methods. However, at the higher stage which we have just mentioned, one can say that justice joins forces with charity and finds its ultimate flowering in it. Humanitarianism is the school of the highest form of justice, that in which charity surpasses the law of men. Reciprocally, universal justice advocated by it is the source of social progress and of the well-being of the greatest number.

It tends to rise towards charity and then foreshadows that new world for which man clamours.

In the last century, the idea originated that the world should be organized on a purely rational basis and relationships between men should be based on strict justice. Some people, in fact, thought that charity runs counter to human dignity. This theory has today gained so much ground that one could well ask whether, in the future monolithic State, the spirit of service could exist and then wonder if occasions would be lacking to carry out charitable acts, but rather the permission to do so.¹

It can certainly be seen that the more society evolves, the more do acts, which were previously dependent only on charity, become those of mere justice. Furthermore, in a world which is still only too often iniquitous, justice appears to be the most important charity of all. And to those who think that by making a gift they are relieving themselves of their responsibilities at a cheap price, one is tempted to say: first of all a little justice! For man today has not only to make donations, which is no solution to the problem. All he demands is merely that society is organized so that each one of us has a decent minimum available.

We have seen that justice, in its highest degree, ends by joining forces with charity. So long, however, as it has not achieved its summit, there will always be room alongside for charity. For this is the generator of initiative and spontaneity. It brings in social relations a human element which the law, impersonal and abstract, does not know. If "justice is to respect individuals, love means advancing towards them".²

(To be continued)

Jean PICTET

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¹ Jean-G. LOSSIER, *Sur l'esprit de service*, Studia philosophica, Bâle, 1953, vol. XII.

² LOSSIER, *op. cit.*

THE RIGHT OF ASYLUM

IN THE CONTEXT OF THE PROTECTION OF HUMAN RIGHTS IN REGIONAL AND MUNICIPAL LAW ¹

by P. Weis

1. The objective of universal protection of the human rights of all men

Just as the Universal Declaration of Human Rights proclaims the fundamental importance of the rights of all men, so the European Convention on Human Rights seeks to secure to everyone within the jurisdiction of the High Contracting Parties the rights and freedoms it contains. This objective of securing the general application of the protection of the Convention is followed in the Protocols to the Convention which add further rights to those already incorporated in it.

In view of this interest of the International Community both universally and regionally in the general protection of human rights, which is reflected in other regional instruments concerning human rights, a serious problem arises with regard to those persons who are in danger of coming within the protection of no such instrument. One particular group in respect of which this danger arises is that of persons seeking asylum. The need of such persons for the protection of their human rights is particularly acute and yet their protection depends on the goodwill of States which may or may not accept any obligations with regard to them. From earliest times, people have sought asylum from the violation of their human rights or in fear of their being disregarded. Until the protection of human rights is universally assured they are likely to continue to seek in other countries asylum from persecution which has been proclaimed as a human right in Article 14 of the Universal Declaration.

1) Paper presented at the 2nd international colloquy on the European Convention of Human Rights, Vienna, 1965.

As the right to life is the prerequisite for the enjoyment of every other human right, so the right of asylum is the prerequisite for the enjoyment of his basic rights by a refugee. The European Convention recognises the right to life as the first which it seeks to protect and in the same way a refugee first needs protection by the grant of asylum.

2. The development of the law on the right of asylum in international instruments

Traditional doctrine bases the right of asylum on the right of a State in its sovereignty to decide whom it shall admit to its territory. International law prohibits other States from interfering within its sovereign jurisdiction and, as a result, other States have been barred from challenging successfully the right of a State to harbour within its borders those persons to whom it wishes to give protection.

This traditional doctrine resulted in Article 14 of the Universal Declaration embodying only the right of everyone "to seek and to enjoy in other countries asylum from persecution." The UN Commission on Human Rights in their draft for this Article had included the right to be granted asylum but in the Third Committee of the General Assembly it was amended in order to remove any suggestion that the Article implied an obligation on any State to admit a person seeking asylum.

The chief international instrument relating to the protection of refugees, the Convention of 28 July 1951 relating to the Status of Refugees, to which all the Member States of the Council of Europe are party, was also drafted with the intention of having any effect on the regulation of the admission of persons seeking asylum from persecution. On the other hand it contained a strong provision giving effect to the principle of non-refoulement, i.e. that no State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. The UN Commission on Human Rights' draft of a Declaration on the Right of Asylum at present before the Third Committee of the General Assembly develops this principle of non-refoulement by making it

explicitly referable to rejection at the frontier if this would result in compelling a person seeking asylum to return to or remain in a territory if there is well-founded fear of persecution endangering his life, physical integrity or liberty in that territory.

While it appears to be generally recognised that asylum is granted on humanitarian grounds (cf. I.C.J. 1950, page 282) and that States in granting asylum, act in fulfilment of their humanitarian duties (Institute of International Law, Bath, 1950 Vol. 2, page 389), a new trend in the doctrine on the law of asylum is appearing which seeks to base the right of asylum on the necessity for the protection of the human rights of the individual and further seeks to equate the right of asylum with a right of the individual to the protection of his human rights.

This trend was the basis of the draft of the UN Commission on Human Rights for Article 14 of the Universal Declaration before it was amended by the General Assembly. It was also the basis of an amendment proposed by France in the Third Committee to the Commission's draft which was itself largely the result of French initiatives. France by this amendment sought to add to the Declaration that everyone has the right to seek and be granted asylum, a provision that the United Nations in concert with States should be required to secure such asylum for those who seek it.

3. The right of asylum in municipal law

The strongest manner in which a right can be incorporated in the municipal law of a country is for it to be embodied in its Constitution. An ever-increasing number of Constitutions are declaring the respect for human rights and embodying in their provisions some assurances for the general protection of these rights. The number of Constitutions which mention specifically the right of asylum and of these, the number in which the right of asylum is defined as a right of the individual, is less great but is also increasing.

The second most secure manner for incorporating a right in municipal law is by means of an Act of the Legislature or some other formal statutory provision. The majority of Acts which refer to the right of asylum are those which regulate a country's extradition procedures. It is general for such Acts to restrict the surrender

of any person whose extradition is sought for a political offence. Aliens laws and regulations frequently limit in a similar way the expulsion of persons who would fear persecution in a territory to which their expulsion was intended. Aliens laws containing such provisions have only recently been enacted in several States, among them the German Federal Republic and the Netherlands.

A further possibility is the establishment of rights in municipal law by the incorporation of provisions contained in treaties. In those countries where the 1951 Refugee Convention has been incorporated into municipal law, the protection of the right of asylum is assured, although only to those already admitted to its enjoyment.

Extradition has also been the object of many treaties which have been incorporated in municipal law in this way and which have thereby given further protection to political offenders. The European Convention on Extradition of 30 December 1957 is one of the most important in this field. As well as promoting the uniformity of Extradition practice between Member States, it increases the protection of persons enjoying asylum by extending to the victims of political events the restriction on the extradition of political offenders and thereby excluding from the operation of the Convention any person whose extradition is sought "if the requested Party has substantial grounds for believing that a request for extradition for an ordinary criminal offence has been made for the purpose of prosecuting or punishing a person on account of his race, religion, nationality or political opinion, or that that person's position may be prejudiced for any of these reasons" (Article 3(2)).

4. The right of asylum in the Constitutions of Member States

The French Constitution has the longest history of the formal Constitutions of the Member States of the Council of Europe containing a specific provision on the right of asylum. The Preamble to the Constitution of 4 October 1958 solemnly proclaims the attachment of the French People to the human rights and principles of national sovereignty as they were already defined in the Declaration on the Rights of Man of 1789 and completed by the Preamble to the Constitution of 27 October 1946, which states that anyone persecuted because of his activities in the cause of liberty shall be entitled

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to the right of asylum within the territories of the Republic. France has constantly been an initiator and a driving force for the protection of human rights and of those of persons fleeing from persecution in particular.

In its brevity and succinctness the German Constitutional provision on the right of asylum is perhaps the most general and far-reaching in effect. In Article 16(2) of the Basic Law of 8 May 1949, the second sentence in only four words states that the politically persecuted enjoy the right of asylum. Already a considerable body of judicial decisions has grown up interpreting this provision.

The new trend equating the right of asylum and the right of an individual to the protection of his human rights is best characterised by the Italian Constitution of 27 December 1947. In its Article 10, it states that the foreigner who is denied in his own country the effective exercise of the democratic freedoms guaranteed by the Italian Constitution has a right to asylum in the territory of the Republic in accordance with the provisions of law. This provision adopts for its yardstick to determine who shall receive asylum, the same protection that it grants to all persons within its jurisdiction demonstrating the faith which it has in the necessity to grant all persons universally the same standard and the same protection without discrimination.

No other Member State has a direct reference to asylum in their Constitution though references in various of their Constitutions are made to Extradition and Aliens Laws.

5. European State practice in the grant of asylum

Whether or not explicit provisions on asylum have been made in the Constitutions, Statute or Treaty law of Member States, their practice, which is itself a source of international law, has on the whole been fairly uniform, generous and virtually all-embracing in granting asylum both within the continent of Europe and from outside. Even when asylum is granted by the Executive as a matter of policy rather than under legal obligations, governments have frequently made firm statements that they would not deviate from this policy if this would leave the person seeking asylum to the mercy of his persecutors.

Typical of such statements is that made by the Home Secretary of the United Kingdom in the House of Commons on 21 March 1963: « The tradition of this country is that a person is granted political asylum if, in his own country, he appears to us to be in danger of life or liberty on political grounds, or on grounds of religion or race. »

In the same sense the Swiss Federal Council in its Report of 1 February 1957 on the principles to be observed in the practice of asylum in the case of increased international tension or of war stated the basis of its policy as follows: "Le droit d'asile n'est pas une simple tradition de la Suisse. Il est un principe politique et une manifestation de la conception suisse de la liberté et de l'indépendance."

Even in the case of the mass influx of some 200,000 Hungarians in 1956 and 1957 asylum was not denied by neighbouring countries. Austria and Yugoslavia, the International Community as a whole and the Member States in particular collaborated to relieve the countries of first asylum most immediately affected. This collaboration of other States with those who shouldered the greatest burden resulted in the spontaneous acceptance by many States of large numbers of refugees without any condition or special requirement for their entry.

Whether Member States grant asylum as a matter of policy or as a matter of law, where their municipal law recognises an obligation to grant asylum, there is little difference in their practice, all recognising humanitarian duty which they fulfil in so doing.

6. The prerequisites for the protection of all asylum seekers

If the objective of States in accordance with the basic humanitarian character of asylum is to ensure the protection of the human rights of all individuals and particularly of persons seeking asylum, means must be found to ensure that they will always be able to find some territory in which they can enjoy asylum. In the first instance it is the individual States who provide this. In certain circumstances, however, it may become impossible for a particular State to provide the necessary protection in its territory for more than a minimal period of time. In this event it is essential that an alternative so-

lution be sought and the assurance that a territory will be found for all persons seeking asylum can only be given by the International Community as a whole acting in concert.

In this matter national and international action are clearly interdependent. Uniform State practice whether as a matter of law or of policy facilitates the reaching of international agreement. Equally international agreement is bound to influence the favourable development of municipal law on the right of asylum. The readiness of individual States to grant asylum and strengthen the protection of those seeking asylum will be enhanced by the knowledge that other States will act in the same way. It therefore follows that States should consider the strengthening of the right of asylum both in their municipal law and on a regional basis.

The Council of Europe has for some time been engaged in such action on a regional level. In September 1963 and again in April 1964 the Committee of Ministers considered the report of the Committee of Experts on Recommendation 293 in which the Assembly proposed the inclusion of an article on the right of asylum in a protocol to the Convention on Human Rights. The Committee of Experts were of the opinion that an article as proposed by the Assembly or on the principle of non-refoulement should not be included in a protocol to the Convention but suggested the possibility of a separate Convention on asylum outside the framework of the Convention on Human Rights or of a recommendation to Member States by way of a resolution of the Committee of Ministers. The Committee of Experts was instructed to prepare a draft declaration on the right of asylum upon which a resolution or convention might be based in due course while awaiting the results of discussions on the matter in the UN General Assembly.

In Latin America and the Western Hemisphere as a whole the right of asylum has been the subject of many bilateral, multilateral and regional instruments. The Asian African Legal Consultative Committee has studied the Law of Extradition and is at present examining the right of asylum within the larger question of the rights of refugees. The Organisation of African Unity is at present considering a draft Convention relating to the Status of Refugees in Africa which it is hoped will include a provision on the right of asylum.

Conclusion

Without individual States and regional organisations taking the necessary initiatives, progress in the protection of asylum seekers is not likely to be achieved. Every opportunity should therefore be sought to enshrine the right of asylum in municipal law as securely as possible. As an example, a recent initiative of the Austrian Federal Chancellor for the revision of the "State Basic Law on the general rights of citizens" of 1867 may be mentioned which provides such an opportunity to consider the inclusion of the right of asylum in a new basic law.

The States Members of the Council of Europe are perhaps in the best position to reach agreement on a regional level on an instrument which could pave the way to the protection of human rights where necessary by the grant of asylum being assured by the community of States. The Member States are agreed on a uniformly generous policy; they have the necessary unity of purpose to seek agreement; the wide experience of the last decades has given them an incomparable experience of the problems involved.

Whenever States acting individually or within the framework of regional organisations create particular legal provisions and instruments for the protection of persons seeking asylum, they not only assure these rights within their own territory but beyond this reaffirm their faith in fundamental human rights and in the dignity and worth of the human person proclaimed in the Preamble to the Charter of the United Nations.

Paul WEIS

Ph. D. Dr. Jur.

Director Legal Division, United Nations
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INTERNATIONAL COMMITTEE OF THE RED CROSS

EXTERNAL ACTIVITIES

In Vietnam

On several occasions the *International Review* has published information about the work initiated by the ICRC for civilian disabled in Vietnam. Since then this assistance programme has developed in co-operation with the Red Cross and authorities of the Republic of Vietnam, as well as with other organizations interested in this activity.

Amputated cases are sent by hospitals to the Civilian Disabled Reception Centre, set up in the grounds of the Vietnamese Red Cross headquarters in Saigon, in a hut provided by the British "War on Want" organization and equipped with the aid of the American Red Cross. The reception centre is directed by Miss U. Spitzer, specialist nurse, sent by the Swiss Red Cross and who is a member of the ICRC delegation.¹

The disabled are then taken in due course in ambulances of the Vietnamese Red Cross to the orthopaedic centre in Saigon where they receive modern prostheses thanks to the joint action of the Vietnamese authorities and of the World Rehabilitation Fund. The Vietnamese Red Cross provides the necessary personnel to ensure the transport of the disabled and the functioning of the reception centre.

The ICRC sets aside cash contributions sent to it by National Societies for the upkeep of the disabled whilst at the reception centre and for the acquisition of the necessary appliances for their rehabilitation. Miss Spitzer has given some details as follows to Geneva concerning the Saigon Reception Centre's work.

¹ *Plate*—Two young amputees arriving at the Disabled Reception Centre.



Saigon — Two disabled children on the threshold of the Disabled Persons Reception Centre.

The Centre at present shelters 36 adults and 6 children, several of whom have had either two legs or two arms amputated. In spite of all the suffering a remarkable atmosphere prevails. In the evenings there is football and the women, in spite of the daily effort required for rehabilitation, make clothes on two sewing machines obtained by the nurse. A man rides on a bicycle in the yard although he has only just been provided with an artificial leg.

Several first-aiders help the nurse in the rehabilitation. They do walking exercises with the disabled one of whom, with both legs amputated, arrived at the centre by dragging himself on two pieces of motor tyre. So far treatment has been given here to one hundred and twenty-five people, some of whom still have open wounds.

It should be added that the ICRC's assistant delegate also has the task of placing the disabled when fitted with an artificial limb. She sees to it that they learn a trade and subsequently, as far as possible, that they find work.

The ICRC President in the Netherlands

At the invitation of the Netherlands Red Cross, Mr. Samuel A. Gonard, President of the International Committee of the Red Cross went last month to Holland accompanied by Mr. P. Basset, Head of ICRC Administration. They went first to The Hague and later to various other places.

As the National Society's new President, Jonkheer G. Kraijenhoff had been injured in an accident, Mr. Gonard went to his bedside.

At the Netherlands Red Cross headquarters in The Hague, Mr. Gonard was received by the First Vice-President, Baron van Odeneel tot Oldenzeel, and by the Director-General, Mr. A. van Emden. Other leading members of the National Society were also present.

He then had the pleasure of seeing some aspects of the work which the Netherlands Red Cross carries on with zeal and efficiency, such as the circulating library for the handicapped ; the central warehouse for relief supplies, the fleet of motor vehicles ; the central

blood transfusion laboratory at Zeist ; the " J. Henry Dunant House ", a holiday home for the disabled ; the " Red Cross Bungalow " near Eindhoven run by Mrs. van Riemsdyk-Philipps, all of which testify to the National Society's social sense and providence.

The ICRC President also visited the hospital ship " J. Henry Dunant " which is used to give the chronically sick or the disabled one-week cruises on the canals. This vessel sails under the red cross flag : its function is an original idea which has already been brought to the attention of our readers.¹

During his stay in Holland the ICRC President met several members of the Government, particularly Mr. Karls, Prime Minister, Mr. Luns, Minister for Foreign Affairs and Mr. Veldkamp, Minister of Social Affairs and Public Health.

¹ See *International Review*, May 1965.

*IN GENEVA***New Accessions to the Geneva Conventions**

In its June number, the International Review mentioned that the International Committee of the Red Cross had been informed by the Swiss Federal Political Department of the accession of the Republic of Honduras to the four Geneva Conventions of August 12, 1949. It pointed out that by this accession there were now 109 States parties to these Conventions, the 108th State, Iceland, having acceded thereto on January 10, 1966.

Since then, two further States have adhered to the Geneva Conventions of August 12, 1949, namely the Central African Republic—by a “declaration of continuity” on July 23, 1966—and the Republic of Korea—by a statement of adherence on August 16, 1966. The number of States explicitly parties to the Geneva Conventions has thus risen to 111.

By a “declaration of continuity” a State having acquired independence confirms that it is bound by the treaty signed on its behalf by the Power previously exercising sovereignty in its territory. In the case of the Central African Republic, that sovereignty was exercised by France.

The Republic of Korea was the last of the States having signed the 1864 Geneva Convention which had not adhered to the later humanitarian treaties drawn up on ICRC initiative.

A publication of the ICRC

The ICRC has just issued a new edition of the essential provisions of the Geneva Conventions. This publication, on strong paper, in pocket size, is available in French, English and German.

IN THE RED CROSS WORLD

LOUIS APPIA

The Hanau Section of the German Red Cross in the Federal Republic of Germany, on the occasion of the 75th anniversary of its foundation, published an illustrated booklet. Several personalities in the town and representatives of other sections described the importance of the Red Cross today in the life of the country. Apart from articles on the activities of the Section itself in the field of first-aid and social service, the booklet contains a profile of one of the city's illustrious sons, Louis Appia, who became one of the most active of the Committee of Five which was the origin of the ICRC.

As the author reminds the reader, Louis Appia was born at Hanau on October 13, 1818. His father, from 1811, had been second minister in the parish of the canton of Vaud ; he subsequently left this incumbency to become minister of the Frankfurt Protestant Community. Louis Appia was educated in that town and the environment in which he was raised was one which naturally predisposed him towards the zealous faith and desire to serve mankind which he later displayed when he was the first to wear the red cross armband. In 1836, he left Frankfurt to study at the Academy of Medicine in Geneva. Although this future member of the ICRC was profoundly religious, he chose the medical career rather than theology which his family considered was the natural family vocation. His father, Pastor Appia had himself cared for the wounded during the battle of Hanau in October 1813.

Sweden

On the occasion of its centenary, celebrated last year and of which the *International Review* published an account in December 1965, the Swedish Red Cross has produced a handsome volume on its history and work.¹ In this is described the remarkable development of that National Society which has not only become the country's most important welfare movement, but by its many generous interventions and contributions on behalf of the victims of conflicts and disasters in Europe and other parts of the world has merited the high esteem of the international community.

In an initial chapter on "human dignity and nursing care in time of war", the author describes the development of humanitarian ideas from the earliest days and quotes a little known text on that subject. This comes from an Icelandic saga connected with an episode said to have taken place in the year 1001 and reads as follows :

" Halldora Gunnsteinsdottir was the wife of Glumur who was a great warrior and had many enemies. During one of his last fights, he met his worst enemy, Porarinn. Halldora, Glumur's wife, was also present. She called the other women around her and said to them : " We will bandage the wounds of those men whose lives can be saved, on whichever side they are fighting." This was in fact done and she herself took personal care of Porarinn who had been seriously wounded. She treated him until the battle was over and thus saved his life ".

From this humanitarian spirit, whose roots are so deep in the Scandinavian neutrality, the creation and development of the Red Cross have given many other examples. Two Swedes took part in the Geneva Conference which founded the Red Cross in October 1863, of whom one, Dr. Sven Sköldberg, gave an account in a book

¹ Svenska Röda Korset, by Sten Söderberg, AB Svensk Literatur, Stockholm, 1965, 504 p.

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in which he also included the translation of important extracts of Dunant's work, *A Memory of Solferino*. The Kingdom of Norway and Sweden also took part in the 1864 Diplomatic Conference, although its representative did not have full powers authorizing him to sign the Convention. King Charles V acceded to it however at the end of that year. Also, on January 27, 1865, there took place the first meeting, presided over by Prince Oskar, of the Society which was to become the Swedish Red Cross.

It is striking to observe how ever since its beginnings that National Society had the feeling of international fellowship. This was particularly the case during the Franco-Prussian War of 1870-71. The Swedish Red Cross then organized a large collection for the victims and sent two doctors to France to care for the wounded.

Since then, the Swedish Red Cross greatly increased its interventions abroad. From 1903 its work was inspired by the "Blue Prince", so-called because of the dragoon guards uniform worn by Prince Charles, Gustav V's brother. From the fighting which took place in the Balkans at the end of the Second World War, he bestowed much prestige on the National Society over which he presided. The Swedish Red Cross was at that time the effective instrument of a neutral country determined to give generous aid to the victims of so many conflicts. In this activity in which there were also casualties, since it cost the lives of some of its delegates and assistants, it frequently co-operated with the ICRC.

In this connection all will remember the fine work carried out in 1945 during the last years of the war by Count Folke Bernadotte, who had become Prince Charles' right-hand man.

At home also, the Swedish Red Cross has continued to do good work. Being supported by all levels of the population, it collects the nation's goodwill around it. It instituted nursing as a profession in Sweden and which, in a country where the organizing spirit is carried to a high pitch, has taken over a great deal of relief and welfare work which are not the State's concern. It is due to that National Society that Sweden possesses mobile dental services for children, ambulance aircraft and a large number of homes for the aged, cripples, the sick and handicapped children, to mention only some of its achievements in the field of human fellowship.

Those who serve the Red Cross everywhere will endorse the words spoken by Prince Bertil at the opening ceremony of the centenary in 1965 in Stockholm : " In a world in which we all have need of each other, we also need the Red Cross idea and the Red Cross has need of us all ".

R. D. P.

VIETNAM

We know that the Iranian Red Lion and Sun Society has sent to South Viet Nam a medical team which is giving valuable assistance in difficult circumstances.

Last April, Panorama, the League of Red Cross Societies' Review, published an article by Mr. C. Rooks on that subject, some passages of which are given below. This Iranian team arrived in Viet Nam in January 1966.

At Ben Tre, Kien Hoa Province, a twenty-member Iranian medical team is bringing the benefits of modern surgery to thousands of Vietnamese peasant farmers who would otherwise go unattended in this Mekong Delta city, 84 kilometers south of Saigon.

Staffed by two surgeons, Doctors Siamak Shakibi and Reza Soleymani, two technicians and fifteen nurses, the team is headed by Colonel Esmahail Gilanpour. The team is sponsored by the Iranian Red Lion and Sun Society. The provincial hospital at Ben Tre is the only medical facility for the 600,000 inhabitants of the province.

Many surgical problems of the area are being attended to for the first time in more than a dozen years by the Iranians.

The last surgeon in the community, a French doctor, left following the Geneva agreements in 1954.

IN THE RED CROSS WORLD

Expectant mothers unable to give natural birth now have the chance to live because of the Caesarean operations performed by the two Iranian surgeons.

Recalling her early impression of Viet Nam, Chief Nurse Omolbanin Hahanzadeh said: "The first night, we couldn't sleep because of the artillery firing around the city. Now, we go to sleep without trouble. The noise is nothing."

The Iranian team's day begins early.

Shortly after 8 a.m., the doctors begin their rounds of the crowded ward. Men, women and children are assigned to the ward. The doctor stops at each bed, and passes his instructions to the ward nurses.

On several occasions, during military operations in the province, the team has worked at the hospital continuously for 48 hours treating the wounded. Unfortunately, non-combatants caught in the middle of the war zone are sometimes hurt....

Today the people in Ben Tre, and those throughout Kien Hoa Province, come to the hospital more freely. When they need medical attention, the villagers know that they will receive it.

"These are fellow humans we want to help," says Colonel Esmahail Gilanpour. "We feel privileged to be here to help them."

M I S C E L L A N E O U S

THE PROTECTION OF OBJECTS OF CULTURAL VALUE

On May 14, 1954, the representatives of thirty-seven Powers meeting in The Hague, signed a Convention for the protection of objects of cultural value; the *Revue internationale* reproduced the text of this Convention in its October issue of that year. At the same time it published an article by Mr. R. J. Wilhelm, Adviser, Legal Department of the ICRC, in which he showed the importance of this Convention and pointed out its significance for the Red Cross movement, particularly for the International Committee. As he stated "the Convention is intended to protect objects of cultural value in time of war, namely fixed or movable objects of any nature whatsoever, which are of importance for the cultural heritage of the nations, as well as the buildings in which they are housed, whoever the owner may be". This protection is valid both in time of peace and in time of war. The signatory States undertook to take steps to safeguard these objects of cultural value on their territory and, in the event of hostilities, to respect and protect them against theft, looting or annexation. Apart from this general proviso, other articles in the Convention provide for an even greater respect of objects "under special protection".

So far the Convention and relevant regulations have come into force by ratification or accession in 52 States, namely: Albania, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussia, Cambodia, Cameroon, Congo (Leopoldville), Cuba, Czechoslovakia, Dominican Republic, Ecuador, France, Gabon, Ghana, Guinea, Holy See, Hungary, India, Iran, Israel, Italy, Jordan, Lebanon, Libya, Liechtenstein, Luxemburg, Madagascar, Malaysia (Federation), Mali, Mexico, Monaco, Mongolia, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Panama, Poland, Rumania, San Marino, Soviet Union, Spain, Switzerland, Syria, Thailand, Ukraine, United Arab Republic, Yugoslavia.

MISCELLANEOUS

The Convention will become operative for Turkey on March 15, 1966 and for the Republic of Cyprus after a relevant law has been adopted by the House of Representatives.

In Switzerland, the Federal Council, on February 4, 1966, sent to the Federal Assembly a message supporting a Bill on the protection of objects of cultural value in the event of armed conflict. The following extract shows how that message describes the basic principles underlying the Federal Bill :

The protection of objects of cultural value in the event of armed conflict is not only a national duty and a contribution to the spiritual defence of the country ; it is also an obligation under international law. Throughout history, irreplaceable items of cultural heritage have been destroyed by war or its indirect effects. During the two world wars these losses were enormous. Military technology has evolved weapons of destruction which could cause immeasurable damage. We must not be deluded by the hope that we shall be spared a third world war : even limited warfare can cause destruction to irreplaceable artistic, historic and archeological monuments as well as to art treasures, scientific collections, documents and objects of cultural value in archives and libraries. To prevent such losses, efforts have to be made both nationally and internationally with a view to the protection of objects of cultural value in the event of armed conflict.

International organizations, especially the UN Educational, Scientific and Cultural Organization (UNESCO) and the Council of Europe, endeavour to safeguard and ensure respect for cultural heritages of all the nations. Their efforts have contributed considerably in our own country to making the cultural importance of monuments and artistic treasures better understood. It is in keeping with Swiss historic and cultural tradition and also with Switzerland's federal structure, that we should care not only for objects of national and international cultural value, but also those of regional and local value. They all contribute to the maintenance of our national character and also to the spiritual and cultural development of our people...

The Hague Convention also makes provision for special status for people entrusted with the custody and protection of objects of cultural value. As in several other countries, Switzerland has

arranged for these persons to be part of the civil defence service ; this can be seen from the following extract of the message :

The protection granted in international law to persons assigned to protect objects of cultural value should be ratified in administrative regulations for the implementation of the Convention. This protection is indeed much more extensive than that granted to other civilians in war-time by the Geneva Convention of 12 August, 1949. It is more or less equivalent to the protection granted to members of the medical profession and to chaplains under the Geneva Convention of 12 August, 1949, for the Amelioration of the Condition of the Wounded and Sick of Armed Forces in the Field. The only difference is that medical personnel and chaplains have military status, whilst personnel assigned to the protection of objects of cultural value remain civilians.

It is not possible to provide protection to objects of cultural value without making some provision for compulsory service in this sphere. It would however be irrational and out of all proportion with the desired aims to make it compulsory to serve in the protection of objects of cultural value as well as to do military service and civil defence work. As a separate branch of civil defence, cultural defence could well organize an ad hoc compulsory service deriving from the obligation to perform civil defence duties ; that is the object of the second and third paragraphs.

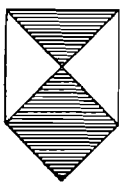
According to article 22 bis of the Constitution, the law regulates civil defence functions in the event of emergencies. Article 4 of the law on civil defence, which has been declared applicable, is sufficient to permit mobilization also of personnel from the cultural defence service, with a view to providing emergency relief in case of disasters. For the purpose of underlining the importance of the tasks which the cultural defence service may be called upon to carry out in such a case, the second sentence of article 7, section 3, of the Bill, specifically mentions provisions for mobilization in the event of armed conflict or natural disaster, as well as penal provisions and those which deal with compulsory service and instruction. Details connected with compulsory service and instruction are governed by administrative regulations, except for some aspects which should be covered by a law according to article 22 bis of the Constitution.

Persons in charge of the cultural protection service are relieved from doing duty in the local protection organizations by special

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dispensation, in conformity with article 54 (2 g) of the Ordinance of March 24, 1964 on civil defence. Protection teams and care-takers in whose field of intervention there are objects of cultural value can be charged with their protection; the administrative regulation however provides that personnel for protection of objects of cultural value should not be enrolled for civil defence work which might prevent them carrying out their appointed tasks. So long as such personnel are in the service of the protection of cultural objects, they are responsible to the Federal Department of the Interior.

Escutcheon
for objects
of cultural
value



With regard to a protective sign which the Commission has envisaged for objects of cultural value (a blue and white escutcheon, see left), the Swiss Government's message draws a distinction between the protective sign and the indicatory sign which is advocated in *Commentaries on the Geneva Conventions*, edited by Mr. Jean Pictet, and published by the ICRC. In the Swiss Federal Council's message can be read the following:

Practical necessity makes it essential to distinguish between two different uses of the escutcheon for objects of cultural value, the distinctive sign provided for in the Convention, i.e. use as an international emblem of protection and use merely as an indicatory sign. A similar distinction has already been well established regarding the use of the red cross (see article 44 of the Geneva Convention of August 12, 1949 for the Amelioration of the Condition of the Wounded and Sick of Armed Forces in the Field, as well as the Commentary on the Geneva Conventions of August 12, 1949; vol. I, pp. 323-381). The escutcheon for cultural objects is an indicatory sign when it is intended to indicate that a person or thing is connected with the Convention without it being possible to extend the protection of that Convention to the person or object. The indicatory sign should therefore be small in size by comparison with the person or object on which it is shown and it should be displayed in such a manner that there shall be no risk of confusion with the protective sign.

The Convention only mentions the sign as a sign of protection. According to the third paragraph of article 17 the Convention

forbids the use of the escutcheon during armed conflicts otherwise than for the international protection of objects of cultural value and persons belonging to the cultural protection service. Seeing that, even in the event of armed conflict, a small-sized escutcheon is used as an indicative sign (label) on printed matter, educational material and other objects of that type, the Department of the Interior had expressly laid down rules in its preliminary draft governing the conditions of use, in order to avoid its being considered contrary to the Convention. The provision in question was worded as follows: "As an indicative sign the escutcheon for objects of cultural value may be used, provided it is small (label), to designate an object or person closely connected with the service for the protection of objects of cultural value, without however the protection provided for in The Hague Convention of May 14, 1954. In particular the indicative sign shall not be affixed on roofs, vehicles or arm-bands". The *Département de Justice et Police* considered that the Bill should avoid laying down any rules concerning the indicative sign which would go beyond the scope of the Convention. In compliance with that proposal we decided against mentioning the indicative sign in the Bill. At the request of the *Département Politique*, we have adopted its standpoint according to which the use of the escutcheon of cultural objects for informative purposes, namely on the texts of the Convention, on maps indicating cultural objects and in any other appropriate manner, does not come within the scope of the prohibition laid down in the third paragraph of article 17, of the Convention.

THE RIGHT OF ASYLUM

The "International Review" has the pleasure of publishing elsewhere in this issue an article on the right of asylum by Dr. P. Weis. The same theme has been discussed by Mr. P. Mertens in a detailed article entitled "The right of asylum in Belgium at a time of constitutional revision", in the Revue Belge de droit international (Brussels, January 1966). We now reproduce some extracts from this fresh study of the problem.

"There is no legal term which probably lacks such uniformity and precision in its definition as that of the right of asylum". However, as Mr. Henri Rolin has aptly remarked, asylum cannot really be seriously disputed, except under its extra-territorial aspect. It is only this aspect in the context of constitutional protection granted by the State on its own territory which will be studied here. The few differences of interpretation which exist are due to the evolution it has undergone through the centuries, an evolution which is perhaps not even complete today. One cannot, of course, expect to find in its origins the explanation for most of its present characteristics.

The right of asylum has certainly always existed, but it was only since the second part of the XIXth Century that it has been radically transformed.

That Belgium had not proclaimed the right of asylum in its original charter is easily understandable. It was only after 1831 that the principle was affirmed on the universal level, "because in many cases people belonging to opposing political levels had successively to flee the same country". The first extradition treaty was signed in 1831 between France and Switzerland by which no one could be extradited for political acts. Belgium was to follow suit in 1833. "Thus, after 1831 the practice was established according to which States refused in principle to extradite, and therefore gave asylum in principle to political refugees". However, it was not until after

the 1848 revolutions that the principle of political asylum was to be definitely achieved.

As a result of this evolution, extradition which was formerly "refused then granted for political crimes" was henceforth "generally accorded, except for political delinquents".

Finally, as time went on and strangely enough after the end of the Second World War, asylum has been exercised more and more for individuals or entire social groups not having committed any crime or misdemeanour in their countries of origin, but who had fled under the threat of persecution for ethnic or political reasons and having abandoned all hope of ever returning. At the same time, many of them, nationals of totalitarian States, had been deprived of their nationality. So there arose under a variety of names such as political refugees, displaced persons, stateless in fact or in law, a great number of new situations everywhere breaking through the traditional limits of asylum and thus deeply transforming its very nature. Delinquents or victims, deportees or fugitives, only have in common the arbitrary or iniquitous character of the decisions or threats weighing on them. It is, however, precisely in this character where asylum can be found in its long-term aspect.

However, the problems raised and their complexity have never, until today, been so great.

Even when after the last war, it was thought that one could distinguish and localize the refugee problem in time and space, one knows now that it will always be raised since, as Mr. Hammarskjöld said, it is a problem which will be "eternal unless the world is at peace".

In spite of the slow progress made and even lagging by some States, accused paradoxically by the European and world organizations, in formulating the principle on the constitutional level, one need not fear to affirm that the doctrine's present trend and even its practice should be to place the recognition of the right of asylum in the general frame of the protection of human rights. This evolution naturally goes together with the recognition of the individual as a subject of international law.

THE PROBLEM OF ASSISTANCE TO THE BLIND IN AFRICA

The First African Conference on Work for the Blind was held in Lagos, Nigeria, from 17 to 25 January 1966. The conference was sponsored by the Nigerian National Advisory Council for the Blind on behalf of the Federal Government of Nigeria, together with the Royal Commonwealth Society for the Blind, the World Council for the Welfare of the Blind, and the Royal National Institute for the Blind in Great Britain. Its main theme was *The next five years of work for the blind in Africa*; fifteen African countries were represented.

A number of resolutions were adopted, the main points of which are summarised below.

The conference requested all information media throughout Africa to give the widest possible publicity to the following general facts regarding blindness. In the 32 countries of tropical and equatorial Africa there are at least 1,400,000 blind people, including 100,000 children. Two-thirds of this blindness is preventable. Unless decisive action is taken now this problem will increase with the growth of the general population, so that by the end of this century there will be more than 3 million blind people in Africa. At present only one blind child in 40 is at school, and many African countries have no educational facilities for the blind. Only one blind adult in a thousand receives rehabilitation, training and employment; most of the remainder live in destitution, either as town beggars or as family dependants in rural areas. For economic no less than humanitarian reasons this situation must be remedied.

A blind child not only has the same right to education as a sighted child, he also has the same ability to profit from it. A fit blind adult of working age can be trained to support himself as a farmer or to earn his own living in a town workshop, factory or office. These results have already been achieved in some parts of

¹ *International Labour Review*, ILO, Geneva, 1966, No. 6.

Africa. The facts are incontrovertible. The need now is for action on a continental scale to save the sight of future generations and to bring new hope to blind people so that they may enjoy independence, which is their right as citizens of modern Africa.

The conference therefore outlined an African plan for the blind with the objectives (to be achieved in five years) of trebling the number of blind children at school, increasing to at least 3,000 the number of blind people being trained and resettled annually in rural occupations, and establishing in each country at least one centre where blind people can be rehabilitated, trained and placed in urban occupations.

The conference called for the formulation by governments of national plans, the immediate establishment of action committees in East, Central and West Africa, consisting of one representative from each of the national organisations for the blind in the region, and the mobilisation by international organisations for the blind of all the international and national resources that could be made available in support of such projects.

It urged that every effort should be made to increase substantially and rapidly the number of blind children receiving education, either in residential schools or by their integration into ordinary schools. While it might be necessary to adopt the open educational system to meet the special needs of certain countries, the need was so great and the numbers so large that only open education could provide a speedy answer at reasonable cost.

Every fit blind person of working age had the right to training and employment. This might be achieved in a variety of ways—in sheltered workshops for the blind, by undertaking subcontract work, in agriculture, and by placement wherever possible in industrial, commercial and professional occupations. The need for assistance in the field of industrial placement by experts seconded through the usual channels of technical co-operation was emphasised. The conference recommended that provision should be made for the placement and employment of the handicapped within the government framework, the placement of the blind being handled by an officer specially trained for that purpose. It strongly emphasised, however, that the main need was to extend or introduce agricultural training schemes, and that this should take place

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within the framework of the general agricultural development of each country. Resettlement and aftercare services were absolutely essential and must keep pace with general development. Governments should ensure that adequate arrangements for the training of staff for all departments of blind welfare were made, wherever possible within the context of general programmes.

MEDICAL MANPOWER : THE PRESENT SITUATION

Reporting to the Nineteenth World Health Assembly on the work of WHO in 1965, the Director-General cited the following figures to illustrate the present " gross deficiencies " in medical manpower : ¹

The physician/population ratio is generally considered a fairly reliable indicator of the general health manpower of a given country. This ratio is signally low in Africa. While the world average is one physician to 3000 inhabitants, in the continent of Africa, excluding two countries, the average ratio is one to 20 000. A number of countries in that area have much lower ratios. One country has, for example, only one doctor for every 76 000 inhabitants. The dearth of training facilities in the area is also disquieting. For a population of more than 200 million there are at present only six well-established and fully functioning medical schools. For an equivalent population in Latin America there are more than 100 medical schools, and even so the situation is still far from satisfactory. In Africa as many as 14 countries with populations of over 3 million have no such schools at all, a situation without parallel in all but two other countries in the rest of the world.

The Third Report on the World Health Situation records a wide range in the physician/population ratios of the 11 countries

¹ *WHO Chronicle*, Geneva, 1966, No. 7.

in the Eastern Mediterranean Region which have furnished information. While two countries have one doctor to 400 and to 800 inhabitants respectively, a country at the other end of the scale has only one doctor to 29 000 inhabitants ; the average ratio or, as the Report calls it, the " regional mode " is about one to 4500.

In the Americas the range is not so wide. With the exception of the northern part of the Region—in much better conditions—a ratio of one to 3500 appears to be usual for most of the countries.

For the five countries which reported from South-East Asia, the ratio varies from a high of one to 4600 to a low of one to 41 000.

In the Western Pacific Region the range is again considerable and goes from one to 680 to one to 39 000. With the exception of two countries, however, most of those which have provided statistics have a ratio of about one to 2500.

In Europe the picture is one of a high level of medical personnel provision. Most of the 22 countries reporting have a physician/population ratio greater than one to 1000.

BOOKS AND REVIEWS

ADOLFO MARESCA : " LA PROTEZIONE INTERNATIONALE DEI
COMBATTENTI E DEI CIVILI " ¹

The author, Mr. Adolfo Maresca was a member of the Italian delegation at the Geneva Diplomatic Conference of 1949 which drew up the four Geneva Conventions for the protection of war victims.

This is a first general work published in Italian in connection with these Conventions. General aspects of the 1949 Conference are examined, as well as its preparation, legal character and organization. An analysis is then made of the articles common to the four Conventions, followed by a study of the purpose of each of them.

Mr. Maresca's explanations and comments are extremely clear and enable one to become familiar with the content of humanitarian law and easily understand its purport.

The work also contains the texts of the resolutions adopted by the Conference and three studies by the author on subjects of topical interest. These relate to recent developments in the juridical notion of warfare, factors concerning the legal definition of aggression and aspects of the problem of hostages from a legal point of view.

This book, which also comprises the French version of the Conventions, will be most useful to all Italian-speakers wanting to know about the 1949 Geneva Conventions and their importance for international law.

C. P.

ERNST BAUM : " ROTES KREUZ UBER EUROPA " ²

The author of this brief work, amply illustrated and well presented, has aimed at making known some of the actions of the

¹ Dott. A. Giuffrè, publishers, Milan, 1965, xiv 290 p.

² Osang Verlag, Munich, 1966, 112 p.

Red Cross in Europe, a sort of anthology of some of the achievements accomplished under our emblem.

It is, for example, recalled how prompt were French Red Cross rescue and first-aid workers during the fire which ravaged Marseilles in 1938, how assistance was given to the victims of the Fréjus disaster. Mention is also made of the splendid initiative of the Netherlands Red Cross which placed a steamer at the disposal of the disabled and the seriously sick, thus enabling those who had not left their rooms for many years to enjoy the delights of the countryside.

The book also contains many other vivid examples of active fellowship. These well illustrate, as said in the preface by Mr. H. Beer, Secretary-General of the League, "the role played by the Red Cross in the struggle against suffering, its efforts to adapt itself to the requirements of our times, its accomplishments in the practical field." This by itself is a tribute to the millions of men, women and young people in all countries who today give service to Henry Dunant's work.

J.-G. L.

H. N. PANDIT: "HENRY DUNANT AND THE RED CROSS" ¹

Mr. H. N. Pandit, Assistant Publicity Officer, Indian Red Cross Society, has just published a short work which is full of interest and liveliness and appears at the right moment. It will enable readers whom we hope will be numerous to become acquainted not only with Henry Dunant's personality and thought, but also with the organization of our movement and with the principles ruling it, which have been defined by Mr. J. Pictet in his work and which, in the form of a Declaration, were adopted recently by the XXth International Conference in Vienna.

The author also devotes a chapter to the Geneva Conventions and another to the Junior Red Cross, to its activities, its deep significance for the future and its rapid development. For it will be

¹ I.M.H. Press Ltd., New Delhi, 1966, 64 p.

BOOKS AND REVIEWS

the Juniors who will be keeping to-morrow's Red Cross alive and growing. In India a junior branch was formed in the Punjab in 1925 which was rapidly to extend over the whole country. By the end of 1965 there were well over four million members of the Junior Red Cross.

The author completes his work with various facts and figures concerning the Indian Red Cross, its origins and constitution.

It should also be added that, from the historical point of view he draws on the best possible sources and gives a rapid sketch of the creation of the Red Cross. He describes Dunant's last years at Heiden whilst continuing his humanitarian work and obtained, together with F. Passy, the Nobel Peace Prize in 1910.

His example is also proposed to men of good will in India as shown by Mr. Pandit in his book which can effectively serve the Red Cross cause.

J.-G. L.

MARSHALL W. FISHWICK : " CLARA BARTON " ¹

A new book has just appeared on that remarkable personality, Clara Barton.² Very well illustrated, this biography of the foundress of the American Red Cross has been written with the help of historic documents and reproductions of the period, which first describe Clara Barton's childhood, then her work on behalf of the wounded in the War of Secession. This intrepid action brought her right into the front line and had such an effect that Gustave Moynier and the members of the ICRC asked her, when she arrived in Europe in 1870, to carry out in the Franco-Prussian war the same work of humanity which had earned her the name in her own country of " Angel of the battle-field ".

She possessed the same gift as Henry Dunant had of winning over those with whom she talked through enthusiasm and patient

¹ Silver Burdett Company, Morristown, New Jersey, 1966, 240 p.

² The *Revue internationale* published a study on her in January 1957, paying tribute to her personality and work.

tenacity. She obtained the unreserved support of those to whom she showed the necessity of humanitarian intervention, such as the Grand Duchess Louise of Baden, the Empress of Germany and Austria, the Czar, Bismark and many others. It was due also to this determination that a National Society was created in the United States after seventeen years of effort. She also succeeded after a noble struggle in obtaining the signature in 1882 to the Geneva Convention by the United States Senate. She proudly announced the great news to Gustave Moynier several weeks later.

Both in the text and the illustrations, the author has thrown light on the events with which Clara Barton was connected in the desire which she always had of bringing aid, not only in disasters in the United States but also during conflicts or catastrophes elsewhere. Finally, he describes in moving fashion the last years and death in 1912 of one of the shining examples of the Red Cross movement.

J.-G. L.

GERTRUD SPÖRRI: "UR-OFFENBARUNGEN DER LIEBE IN
WERDEN DER MENSCHHEIT" ¹

After her philosophic and social studies, the author engaged in Red Cross work before devoting several years to research work on a subject than which there is none more difficult, namely, love of one's neighbour and its evolution throughout the ages. She rightly considers that "at a time when human rights are better known and universally recognized, a clear knowledge of love and love of knowledge are necessary". This statement is taken from Mrs. Held's foreword to this well illustrated book; she concludes: "As the Generaloberin of the Bavarian Red Cross, I am pleased that Gertrud Spörri also studies the fundamentals of the International Red Cross in the framework of the law of nations. The unselfish spirit of the Red Cross, in thought and deed, represents the acme of love for humanity, both friend and foe".

¹ Rose-Verlag, Munich, 1966, 282 p.

BOOKS AND REVIEWS

One of Miss Spörri's main ideas, in a chapter analysing the motivating factors of humanitarianism, brings to mind Max Huber's fine words in his book *The Good Samaritan*. "The practical expression of our common membership of the human race is the assertion of human dignity". Today, the Red Cross brings to everyday life the profound urge to help those who suffer, irrespective of race, religion and political affiliation, for love transcends all schisms, weaknesses and hate, and it is in action in favour of an enemy that it attains its full significance.

The author next considers the motivation of self-sacrifice and altruism. We translate a passage of what she says: "In the event of conflict, the ICRC acts as an intermediary between the opposing parties. One of its characteristics is that it intervenes with each belligerent in the enemy's favour. Here we see in war, whether civil or international, without any association of ideology or religion, a practical aspect of love for an enemy. Yet nobody bruits it about. Love for humanity demands it and the will to put it into practice is founded solidly on the law of nations."

Miss Spörri concludes by explaining, with references to religious documents and the writings of various authors, the "agape" concept which the Greeks distinguished from that of "eros". She shows the need for this in the world today and emphasizes that this love, which is capable of the supreme sacrifice for one's fellow man, sustains hope for a better world. In earlier chapters, with a wealth of spiritual and intellectual content, she describes the link between love and justice, recalling the Hindu, Buddhist, Hellenic and Christian concepts of service to others. She also evokes some modern ideas on the subject, particularly those of Martin Buber and Max Huber.

The latter's writings are well known to Miss Spörri; she can interpret his every nuance. She is, incidentally, the compiler of a collection of various articles and lectures by Max Huber whose ideas are as topical as ever.¹ No one could have doubted it, but Miss Spörri gives gratifying testimony, through her analyses which are worthy of wider comment than space here allows. Her book

¹ Max Huber: *Das Internationale Rote Kreuz, Idee und Wirklichkeit*, Zurich, 1952.

abounds with gems from the treasures of human philosophy. In addition, its central theme is one of the most important questions of today, namely : what measure of humanity lies in each of us and to what extent are we prepared to exceed social, national, religious and other limitations, to bring help to those in need ?

J.-G. L.

The Red Cross World — *League of Red Cross Societies, Geneva 1966,*
No. 1.

Relief actions vary in size and in type. The appeal from Geneva may be on behalf of victims of a measles epidemic in Turkey, for starving refugees in Somalia, flood victims in Jordan, ex-detainees in Ghana, Greek earthquake victims, famine-stricken refugees in Burundi, or earthquake victims in Chile. All these and many more have happened in the past few months. Each is a different and difficult challenge taxing the resources and the ingenuity of even the most seasoned of Red Cross relief experts. The opportunities for the alleviation and prevention of suffering are almost without limit. Almost always the needs are vastly greater than the means to meet them.

The world-wide Red Cross relief network is only as effective as the support given it. Its work depends primarily on the never-failing generosity of untold millions of people throughout the world. Every relief action carried out gives further proof that human kindness is inexhaustible, and creates new personal ties of understanding and goodwill.

By organising human kindness in every country, and giving it practical expression in international relief work, the League of Red Cross Societies is steadily helping to build up a solid basis for peace. It is against this future background, as well as that of alleviating human suffering in emergency, that the achievements of the international Red Cross relief actions must be measured.

BOOKS AND REVIEWS

Tuberculose — *Paris, 1966, No. 15.*

... It seems an appropriate time to ask whether it is possible to overcome tuberculosis in Africa. The same question might well be asked in respect of all developing countries for which epidemiological investigations and pilot projects have given data. Would it at the present stage be realistic to launch a wide-scale campaign against tuberculosis in these countries? To our mind the reply is an emphatic "yes". Tuberculosis causes suffering throughout the world and is a veritable scourge in developing countries. The poorest nations and almost everyone can now participate in the struggle against this disease, thanks to cheap and powerful drugs and to simple vaccination which has proved effective among the least advanced societies.

The only question left unanswered is how can the benefit of these measures be brought to these emergent societies, particularly those inhabiting the more remote regions.

EXTRACT FROM THE STATUTES OF
THE INTERNATIONAL COMMITTEE OF THE RED CROSS

(AGREED AND AMENDED ON SEPTEMBER 25, 1952)

ART. 1. — The International Committee of the Red Cross (ICRC), founded in Geneva in 1863 and formally recognized in the Geneva Conventions and by International Conferences of the Red Cross, shall be an independent organization having its own Statutes.

It shall be a constituent part of the International Red Cross.¹

ART. 2. — As an association governed by Articles 60 and following of the Swiss Civil Code, the ICRC shall have legal personality.

ART. 3. — The headquarters of the ICRC shall be in Geneva.

Its emblem shall be a red cross on a white ground. Its motto shall be "Inter arma caritas".

ART. 4. — The special rôle of the ICRC shall be :

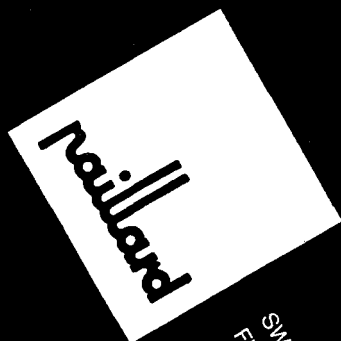
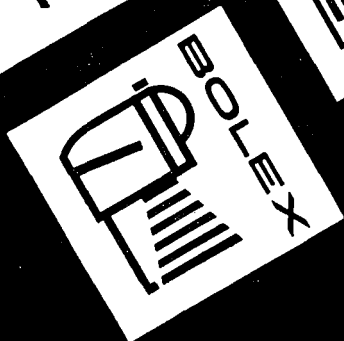
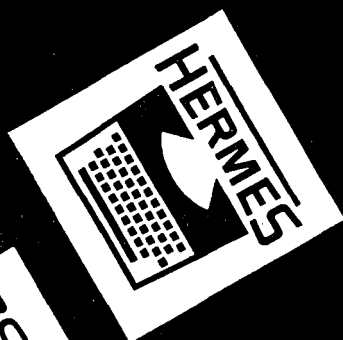
- (a) to maintain the fundamental and permanent principles of the Red Cross, namely : impartiality, action independent of any racial, political, religious or economic considerations, the universality of the Red Cross and the equality of the National Red Cross Societies ;
- (b) to recognize any newly established or reconstituted National Red Cross Society which fulfils the conditions for recognition in force, and to notify other National Societies of such recognition ;

¹ The International Red Cross comprises the National Red Cross Societies, the International Committee of the Red Cross and the League of Red Cross Societies. The term " National Red Cross Societies " includes the Red Crescent Societies and the Red Lion and Sun Society.

- (c) to undertake the tasks incumbent on it under the Geneva Conventions, to work for the faithful application of these Conventions and to take cognizance of any complaints regarding alleged breaches of the humanitarian Conventions ;
- (d) to take action in its capacity as a neutral institution, especially in case of war, civil war or internal strife ; to endeavour to ensure at all times that the military and civilian victims of such conflicts and of their direct results receive protection and assistance, and to serve, in humanitarian matters, as an intermediary between the parties ;
- (e) to contribute, in view of such conflicts, to the preparation and development of medical personnel and medical equipment, in co-operation with the Red Cross organizations, the medical services of the armed forces, and other competent authorities ;
- (f) to work for the continual improvement of humanitarian international law and for the better understanding and diffusion of the Geneva Conventions and to prepare for their possible extension ;
- (g) to accept the mandates entrusted to it by the International Conferences of the Red Cross.

The ICRC may also take any humanitarian initiative which comes within its rôle as a specifically neutral and independent institution and consider any questions requiring examination by such an institution.

ART. 6 (first paragraph). — The ICRC shall co-opt its members from among Swiss citizens. The number of members may not exceed twenty-five.



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ADDRESSES OF CENTRAL COMMITTEES

- AFGHANISTAN — Afghan Red Crescent, *Kabul*.
- ALBANIA — Albanian Red Cross, 35, *Rruga Barrikadavet, Tirana*.
- ALGERIA — Central Committee of the Algerian Red Crescent Society, 15 bis Boulevard Mohamed V, *Algiers*.
- ARGENTINE — Argentine Red Cross, H. Yrigoyen 2068, *Buenos Aires*.
- AUSTRALIA — Australian Red Cross, 122-128 Flinders Street, *Melbourne, C. 1*.
- AUSTRIA — Austrian Red Cross, 3 Gusshausstrasse, *Vienna IV*.
- BELGIUM — Belgian Red Cross, 98, Chaussée de Vleurgat, *Brussels 5*.
- BOLIVIA — Bolivian Red Cross, Avenida Simon-Bolivar, 1515 (Casilla 741), *La Paz*.
- BRAZIL — Brazilian Red Cross, Praça da Cruz Vermelha 10-12, *Rio de Janeiro*.
- BULGARIA — Bulgarian Red Cross, 1, Boul. S.S. Biruzov, *Sofia*.
- BURMA — Burma Red Cross, 42, Strand Road, Red Cross Building, *Rangoon*.
- BURUNDI — Red Cross Society of Burundi, P.O. Box 98, *Bujumbura*.
- CAMBODIA — Cambodian Red Cross, 17 R Vithei Croix-Rouge, P.O.B. 94, *Phnom-Penh*.
- CAMEROON — Central Committee of the Cameroon Red Cross Society, rue Henry-Dunant, P.O.B. 631, *Yaoundé*.
- CANADA — Canadian Red Cross, 95 Wellesley Street East, *Toronto 5*.
- CEYLON — Ceylon Red Cross, 106 Dharma-pala Mawatte, *Colombo VII*.
- CHILE — Chilean Red Cross, Avenida Santa Maria 0150, Casilla 246 V., *Santiago de Chile*.
- CHINA — Red Cross Society of China, 22, Kanmien Hutung, *Peking, E*.
- COLOMBIA — Colombian Red Cross, Carrera 7a, 34-65 Apartado nacional 1110, *Bogota D.E.*
- CONGO — Red Cross of the Congo, 24, Avenue Valcke, P.O. Box 1712, *Kinshasa*.
- COSTA RICA — Costa Rican Red Cross, Calle 5a Sur, Apartado 1025, *San José*.
- CUBA — Cuban Red Cross, Ignacio Agramonte 461, *Havana*.
- CZECHOSLOVAKIA — Czechoslovak Red Cross, Thunovska 18, *Prague I*.
- DAHOMEY — Red Cross Society of Dahomey, P.O. Box 1, *Porto-Novo*.
- DENMARK — Danish Red Cross, Ny Vestergade 17, *Copenhagen K*.
- DOMINICAN REPUBLIC — Dominican Red Cross, Calle Galvan 24, Apartado 1293 *San Domingo*.
- ECUADOR — Ecuadorean Red Cross, Avenida Colombia y Elizalde 118, *Quito*.
- ETHIOPIA — Ethiopian Red Cross, Red Cross Road No. 1, P.O. Box 195, *Addis Ababa*.
- FINLAND — Finnish Red Cross, Tehtaankatu 1 A, *Helsinki*.
- FRANCE — French Red Cross, 17, rue Quentin-Bauchart, *Paris (8^e)*.
- GERMANY (Dem. Republic) — German Red Cross in the German Democratic Republic, Kaitzerstrasse 2, *Dresden A. 1*.
- GERMANY (Federal Republic) — German Red Cross in the Federal Republic of Germany, Friedrich-Ebert-Allee 71, 5300 *Bonn 1*, Postfach (D.B.R.).
- GHANA — Ghana Red Cross, P.O. Box 835, *Accra*.
- GREAT BRITAIN — British Red Cross, 14 Grosvenor Crescent, *London, S.W.1*.
- GREECE — Hellenic Red Cross, rue Lycavittou 1, *Athens 135*.
- GUATEMALA — Guatemalan Red Cross, 3.^a Calle 8-40 zona 1, *Guatemala C.A.*
- HAITI — Haiti Red Cross, rue Férou, *Port-au-Prince*.
- HONDURAS — Honduran Red Cross, Calle Henry Dunant 516, *Tegucigalpa D.C.*
- HUNGARY — Hungarian Red Cross, Arany Janos utca 31, *Budapest V*.
- ICELAND — Icelandic Red Cross, Ølduggötu 4, *Reykjavik*, Post Box 872.
- INDIA — Indian Red Cross, 1 Red Cross Road, *New Delhi 1*.
- INDONESIA — Indonesian Red Cross, Tanah Abang Barat 66, P.O. Box 2009, *Djakarta*.
- IRAN — Iranian Red Lion and Sun Society, Avenue Ark, *Teheran*.
- IRAQ — Iraqi Red Crescent, Al-Mansour, *Baghdad*.
- IRELAND — Irish Red Cross, 16 Merrion Square, *Dublin 2*.
- ITALY — Italian Red Cross, 12, via Toscana, *Rome*.
- IVORY COAST—Ivory Coast Red Cross Society, B.P. 1244, *Abidjan*.
- JAMAICA — Jamaica Red Cross Society, 76 Arnold Road, *Kingston 5*.
- JAPAN — Japanese Red Cross, 5 Shiba Park, Minato-Ku, *Tokyo*.
- JORDAN — Jordan Red Crescent, P.O. Box 1337, *Amman*.
- KOREA (Democratic Republic) — Red Cross Society of the Democratic People's Republic of Korea, *Pyongyang*.
- KOREA (Republic) — The Republic of Korea National Red Cross, 32-3 Ka Nam San-Donk, *Seoul*.

ADDRESSES OF CENTRAL COMMITTEES

- LAOS — Laotian Red Cross, *Vientiane*.
- LEBANON — Lebanese Red Cross, rue Général Spears, *Beirut*.
- LIBERIA — Liberian National Red Cross, National Headquarters, Sinkor, P.O. Box 226, *Monrovia*.
- LIBYA — Libyan Red Crescent, Berka Omar Mukhtar Street, P.O. Box 541, *Benghazi*.
- LIECHTENSTEIN — Liechtenstein Red Cross, *Vaduz*.
- LUXEMBURG — Luxemburg Red Cross, Parc de la Ville, *Luxemburg*.
- MADAGASCAR — Red Cross Society of Madagascar, rue Clemenceau, P.O. Box 1168, *Tananarive*.
- MALAYSIA — Malaysian Red Cross Society, 519 Jalan Belfield, *Kuala Lumpur*.
- MEXICO — Mexican Red Cross, Sinaloa 20, 4º piso, *Mexico 7, D.F.*
- MONACO — Red Cross of Monaco, 27, Boul. de Suisse, *Monte-Carlo*.
- MONGOLIA — Red Cross Society of the Mongolian People's Republic, Central Post Office, Post Box 537, *Ulan-Bator*.
- MOROCCO — Moroccan Red Crescent, rue Calmette, *Rabat*.
- NEPAL — Nepal Red Cross Society, Tripureswore, P.B. 217, *Kathmandu*.
- NETHERLANDS — Netherlands Red Cross, 27 Prinsessegracht, *The Hague*.
- NEW ZEALAND — New Zealand Red Cross, 61 Dixon Street, P.O.B. 6073, *Wellington C.2*.
- NICARAGUA — Nicaraguan Red Cross, 12 Avenida Noroeste, *Managua, D.N.*
- NIGER — Red Cross Society of Niger, B.P. 386, *Niamey*.
- NIGERIA — Nigerian Red Cross Society, Eko Akete Close, Ikoyi, Yaba, P.O. Box 764, *Lagos*.
- NORWAY — Norwegian Red Cross, Parkveien 33b, *Oslo*.
- PAKISTAN — Pakistan Red Cross, Frere Street, *Karachi 4*.
- PANAMA — Panamanian Red Cross, Apartado 668, *Panama*.
- PARAGUAY — Paraguayan Red Cross, calle André Barbero y Artigas 33, *Asunción*.
- PERU — Peruvian Red Cross, Jiron Chancay 881, *Lima*.
- PHILIPPINES — Philippine National Red Cross, 860 United Nations Avenue, P.O.B. 280, *Manila*.
- POLAND — Polish Red Cross, Mokotowska 14, *Warsaw*.
- PORTUGAL — Portuguese Red Cross, General Secretaryship, Jardim 9 de Abril, 1 a 5, *Lisbon 3*.
- RUMANIA — Red Cross of the Rumanian Socialist Republic, Strada Biserica Amzei 29, *Bucarest*.
- ALVADOR — Salvador Red Cross, 3a Avenida Norte y 3a Calle Poniente 21, *San Salvador*.
- SAN MARINO — San Marino Red Cross, *San Marino*.
- SAUDI ARABIA — Saudi Arabian Red Crescent, *Riyadh*.
- SENEGAL — Senegalese Red Cross Society, Bld. Franklin-Roosevelt, P.O.B. 299, *Dakar*.
- SIERRA LEONE — Sierra Leone Red Cross Society, 6 Liverpool Street, P.O.B. 427, *Freetown*.
- SOUTH AFRICA — South African Red Cross, Cor. Kruis & Market Streets, P.O.B. 8726, *Johannesburg*.
- SPAIN — Spanish Red Cross, Eduardo Dato 16, *Madrid, 10*.
- SUDAN — Sudanese Red Crescent, P.O. Box 235, *Khartoum*.
- SWEDEN — Swedish Red Cross, Artillerigatan 6, *Stockholm 14*.
- SWITZERLAND — Swiss Red Cross, Taubenstrasse 8, B.P. 2699, 3001 *Berne*.
- SYRIA — Syrian Red Crescent, 13, rue Abi-Ala-Almaari, *Damascus*.
- TANZANIA — Tanzania Red Cross Society, Upanga Road, P.O.B. 1133, *Dar es Salaam*.
- THAILAND — Thai Red Cross Society, King Chulalongkorn Memorial Hospital, *Bangkok*.
- TOGO — Togolese Red Cross Society, Avenue des Alliés 19, P.O. Box 655, *Lomé*.
- TRINIDAD AND TOBAGO — Trinidad and Tobago Red Cross Society, 48 Pembroke Street, P.O. Box 357, *Port of Spain*.
- TUNISIA — Tunisian Red Crescent, 19, rue d'Angleterre, *Tunis*.
- TURKEY — Turkish Red Crescent, Yenisehir, *Ankara*.
- UGANDA — Uganda Red Cross, 17 Jinja Road P.O. Box 494, *Kampala*.
- UNITED ARAB REPUBLIC — Red Crescent Society of the United Arab Republic, 34, rue Ramses, *Cairo*.
- UPPER VOLTA — Upper Volta Red Cross, P.O.B. 340, *Ouagadougou*.
- URUGUAY — Uruguayan Red Cross, Avenida 8 de Octubre, 2990, *Montevideo*.
- U.S.A. — American National Red Cross, 17th and D Streets, N.W., *Washington 6, D.C.*
- U.S.S.R. — Alliance of Red Cross and Red Crescent Societies, Tcheremushki, J. Tcheremushkinskii proezd 5, *Moscow W-36*.
- VENEZUELA — Venezuelan Red Cross, Avenida Andrés Bello No. 4, Apart. 3185, *Caracas*.
- VIET NAM (Democratic Republic) — Red Cross of the Democratic Republic of Viet Nam, 68, rue Bà-Triêz, *Hanoi*.
- VIET NAM (Republic) — Red Cross of the Republic of Viet Nam, 201, duong Hồng-Tháp-Tu, No. 201, *Saigon*.
- YUGOSLAVIA — Yugoslav Red Cross, Simina ulica broj 19, *Belgrade*.